

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADVANCED GLOBAL TECHNOLOGY, LLC,	:	
	:	
Plaintiff,	:	07 Civ. 3654 (JSR)
	:	
-v-	:	<u>ORDER</u>
	:	
XM SATELLITE RADIO, INC.,	:	
	:	
Defendant.	:	
-----	X	

JED S. RAKOFF, U.S.D.J.

Pending before the Court is defendant's motion to dismiss the case pursuant to Fed. R. Civ. P. 12(b)(6) and 12(b)(1). That motion is hereby granted in full, but without prejudice to the complaint being re-filed in the event that certain of the concerns here alleged ripen into an actual dispute warranting equitable relief, as will be elaborated in an opinion the Court will subsequently issue setting forth the reasons for this ruling. At the time the opinion issues, the Court will instruct the Clerk to enter final judgment closing this case. In the meantime, the action is hereby stayed in all respects. Any party seeking to lift this stay must first make a telephonic application jointly with opposing counsel.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 3, 2007

